

REMARKS

I. Introduction

With the addition of new claims 26 to 28, claims 14 to 28 are currently pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 14 to 16, 19, 20 and 22 to 25 Under 35 U.S.C. § 102(b)

Claims 14 to 16, 19, 20 and 22 to 25 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,850,735 ("Araki et al."). Applicants respectfully submit that Araki et al. do not anticipate claims the present claims as amended herein for the following reasons.

Claims 14 and 25 relate to an emission control system, and claim 22 relates to a method for operating an emission control system. Claim 14 as amended herein recites that the emission control system includes an arrangement disposed upstream from the particle filter and configured to at least reduce clogging of the particle filter by prevention of development of at least one of zinc-, alkaline- and earth alkaline-containing sulfate ash upstream from the particle filter by one of transformation and maintenance of at least one of the compounds responsible for sulfate ash formation in the gaseous state. Amended claim 14 further recites that the arrangement includes a device configured to collect at least a portion of the sulfate ash-forming compounds contained in the exhaust gas and a device configured to convert the collected sulfate ash-forming compounds into gaseous compounds of sulfur that do not form sulfate ash. Support for the amendments to claim 14 may be found throughout the Specification. Claims 22 and 25 have been amended herein, without prejudice, in analogous manner.

To anticipate a claim, each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Contrary to the assertions contained at pages 6 to 7 of the Final Office Action Araki et al. do not "disclose, suggest, and teach exactly an important feature in the pending application (i.e., they prefer to convert the ash-forming compounds of sulfur in the exhaust gas into a gaseous compound so that the clogging of a filter can be prevented)." Rather,

Araki et al. merely state that an oxidizing catalyst 91 "is used for oxidizing SOF in the exhaust gas during the normal operation, and also for burning the secondary fuel supplied to the exhaust gas passage 3 in order to initiate the combustion of soot collected by DPF [diesel particulate filter] 93." Col. 15, lines 29 to 33. Araki et al. do not disclose, or even suggest, that the oxidizing catalyst, or any other component arranged upstream from a particle filter, is configured to at least reduce clogging of the particle filter by prevention of development of at least one of zinc-, alkaline- and earth alkaline-containing sulfate ash upstream from the particle filter by one of transformation and maintenance of at least one of the compounds responsible for sulfate ash formation in the gaseous state and do not disclose, or even suggest, that the oxidizing catalyst, or any other component arranged upstream from a particle filter, includes a device configured to collect at least a portion of sulfate ash-forming components contained in an exhaust gas and a device configured to convert collected sulfate ash-forming compounds into gaseous compounds of sulfur that do not form sulfate ash. It is therefore respectfully submitted that Araki et al. do not anticipate claim 14 as amended herein. Since claims 22 and 25 include features analogous to the features of claim 14 not disclosed or suggested by Araki et al., it is respectfully submitted that Araki et al. do not anticipate claims 22 and 25.

As regards dependent claims 15, 16, 19, 20, 23 and 24, it is respectfully submitted that Araki et al. do not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claims 14 and 22.

III. Rejection of Claims 17, 18 and 21 Under 35 U.S.C. §103(a)

Claims 17, 18 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Araki et al. and U.S. Patent No. 6,233,927 ("Hirota et al."). Applicants respectfully submit that the combination of Araki et al. and Hirota et al. does not render unpatentable claims 17, 18 and 21 for the following reasons.

Claims 17, 18 and 21 ultimately depend from claim 14 and therefore include all of the limitations of claim 14. As more fully set forth above, Araki et al. do not disclose, or even suggest, all of the limitations of amended claim 14. Hirota et al. are not relied upon for disclosing or suggesting the limitations of claim 14 not disclosed or suggested by Araki et al. Indeed, Hirota et al. do not disclose, or even

suggest, the limitations of claim 14 not disclosed or suggested by Araki et al. It is therefore respectfully submitted that the combination of Araki et al. and Hirota et al. does not render unpatentable claims 17, 18 and 21, which ultimately depend from claim 14.

IV. New Claims 26 to 28

New claims 26 to 28 have been added herein. It is respectfully submitted that new claims 26 to 28 are fully supported by the present application, including the Specification. Since claim 26 depends from claim 14, claim 27 depends from claim 25, and claim 28 depends from claim 22, it is respectfully submitted that claims 26 to 28 are patentable over the references relied upon for at least the same reasons given above in support of the patentability of claims 14, 22 and 25.

V. Conclusion

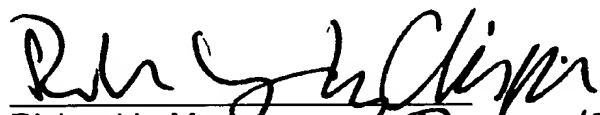
It is therefore respectfully submitted that the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

KENYON & KENYON

Dated: October 24, 2003

By:


Richard L. Mayer
Reg. No. 22,490
13, Nov. 42, 194

One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646